

Notice of Allowability

Application No.

10/088,384

Examiner

Ashwin Mehta

Applicant(s)

STEIMER ET AL.

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 23 June 2005 and the telephone interview on September 16, 2005.
2. ☒ The allowed claim(s) is/are 6,7 and 17-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received; _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Objections and Rejections

1. The objections to the specification are withdrawn, in light of the amendments.
2. The objections to claims 4, 14, and 19 are withdrawn in light of the claim amendments or cancellations.
3. The rejection of claims 1-5 and 14-16 under 35 U.S.C. 101 is withdrawn in light of the claim cancellations.
4. The rejections of claims 1-7 and 13-18 under 35 U.S.C. 112, first and second paragraphs are withdrawn in light of the claim cancellations or amendments.
5. The rejection of claims 1-5 and 14-16 under 35 U.S.C. 102(b) is withdrawn in light of the claim cancellations.
6. The rejection of claims 1-5 and 13 under 35 U.S.C. 103(a) is withdrawn in light of the claim cancellations.

Examiner's Amendment

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary Kakefuda on September 16, 2005.

The application has been amended as follows:

In the claims:

In claim 6, line 5, the recitation, "80%" was replaced with --90%--; and in lines 5-6, the recitation, "a sequence selected from:" was deleted.

In claim 17, line 1, the recitation, "comprising" was replaced with --comprises--; line 2, the recitation, "85%" was replaced with --90%--; and in line 3, the recitation, "a sequence selected from:" was deleted.

In claim 18, lines 3, the recitation, "a sequence selected from:" was deleted.

Claims 13, 20, and 21 were cancelled.

8. Claims 6, 7, and 17-19 are allowed.

9. The following is an examiner's statement of reasons for allowance: *Arabidopsis thaliana* mutant *mom1* plants are deficient in transcriptional gene silencing. Applicants have identified

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RNA transcripts that are produced in the *mom1* plants that are not produced in *A. thaliana* plants that are not deficient in transcriptional gene silencing. Applicants have determined that the nucleotide sequence of SEQ ID NO: 27 encodes part of the transcripts that are differentially expressed in the *mom1* plants. Other mutant plants impaired in transcriptional gene silencing also expressed these transcripts, while mutant plants deficient in post-transcriptional gene silencing did not. Dante et al. (EMBL database Accession No. AF058825, 1998) discloses the nucleotide sequence of *A. thaliana* BAC clone F7N22, which comprises SEQ ID NO: 27. However, the prior art does not teach or fairly suggest using SEQ ID NO: 27 to identify transcripts that are expressed in plants that are deficient in transcriptional gene silencing that are not expressed in corresponding wild type plants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

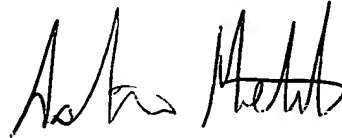
Contact Information

Any inquiry concerning this or earlier communications from the Examiner should be directed to Ashwin Mehta, whose telephone number is 571-272-0803. The Examiner can normally be reached from 8:00 A.M to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Jones, can be reached at 571-272-0745. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the

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problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

A handwritten signature in black ink, appearing to read 'Ashwin D. Mehta', is positioned above the printed name.

Ashwin D. Mehta, Ph.D.
Primary Examiner
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September 16, 2005